

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS



SDMS DocID 000223745

UNITED STATES OF AMERICA, et al

Plaintiffs,

v.

GENERAL ELECTRIC COMPANY,

Defendant.

Civil Action Nos.

99-30225, 99-30226,

and 99-30227-MAP

(consolidated)

THIRD MODIFICATION OF CONSENT DECREE

WHEREAS, on October 27, 2000, this Court entered a Consent Decree in this action between the United States, the Commonwealth of Massachusetts, the State of Connecticut (collectively the “governments” or “Plaintiffs”), the City of Pittsfield, the Pittsfield Economic Development Authority (“PEDA”), and the General Electric Company (“GE”) relating to the contamination at the GE-Pittsfield/Housatonic River Site (“Site”). Pursuant to the Consent Decree, GE is required to perform and/or pay for response actions to remediate contamination at the Site, to reimburse the Plaintiffs certain response costs incurred with respect to the Site, and to take actions to address damages to natural resources.

WHEREAS, in order to facilitate prompt and effective implementation of the obligations under the Consent Decree, the Plaintiffs and GE have agreed to modify the Consent Decree, and the Statement of Work for Removal Actions Outside the River, Appendix E to the Consent Decree (the “SOW”), as set forth below, subject to the Court’s approval.

NOW, THEREFORE, the Consent Decree is hereby modified as follows:

1. With respect to the natural resource restoration/enhancement activities required of GE at the Lyman Street parking lot, which activities are specified in Paragraph 118.d(iv) of the Consent Decree, and in several locations in the SOW, including Section 2.8, Attachment I to the SOW, and Figure I-2, GE shall reduce the total square footage of such natural resource restoration/enhancement activities by approximately 20,000 square feet. This approximate 20,000 square foot area shall be located in the northernmost part of the paved portion of the Lyman Street parking lot, beginning approximately 350 feet away from the Housatonic River and extending toward East Street, as shown generally in Figure 1 to this Third Modification of Consent Decree ("Third Modification").

2. GE shall perform additional natural resource restoration/enhancement activities at the riparian strip located in East Street Area 2-South at the Site. Pursuant to Paragraph 118.d(ii) of the Consent Decree, SOW Attachment I, Sections 3.0, 3.1, 3.2, 7.0, 8.0, 8.1, and 8.2, and Figure I-1, GE is required to create, in a 200-foot wide riparian strip located in East Street Area 2-South (as depicted on Figure I-1 of Attachment I of the SOW), which is currently predominantly covered by pavement and buildings, a vegetated buffer through the planting of an herbaceous native grassland community and installation of other habitat enhancements. Pursuant to this Modification, GE shall increase the East Street Area 2-South riparian strip by excavating and removing an additional approximately 20,000 square feet of pavement and/or building slabs contiguous with the northern boundary of the original East Street Area 2-South riparian strip shown on Figure I-1 of Attachment I to the SOW, and replacing such pavement and/or building slabs with the planting of an herbaceous native grassland community and installation of other

habitat enhancements pursuant to SOW Attachment I, Sections 3.0, 3.1, 3.2, 7.0, 8.0, 8.1, and 8.2. The area for the additional approximately 20,000 square feet of restoration to be added to the East Street Area 2-South location is shown generally in Figure 2 to this Third Modification.

3. GE shall, in the approximately 20,000 square feet added to the East Street Area 2-South riparian strip pursuant to this Modification, complete remediation to satisfy the same Decree requirements, including Performance Standards, as those Decree requirements for remediation of the original East Street Area 2-South riparian strip, including, but not limited to, Paragraph 25.a(i) of the Decree and Section 2.2.2 of the SOW.

THE UNDERSIGNED PARTY enters into this Third Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

UNITED STATES OF AMERICA

3/29/05  
Date

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Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources  
Division  
Department of Justice  
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Newton, MA 02458

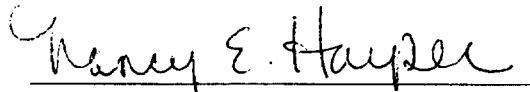
Michael J. Sullivan  
United States Attorney  
District of Massachusetts

Karen L. Goodwin  
Assistant United States Attorney  
District of Massachusetts  
1550 Main Street  
Springfield, MA 01103  
413-785-0235

THE UNDERSIGNED PARTY enters into this Third Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

COMMONWEALTH OF MASSACHUSETTS

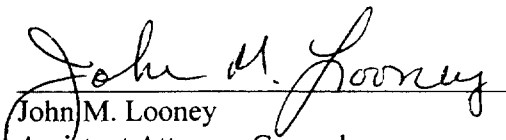
3/9/05  
Date

  
Nancy E. Harper  
Assistant Attorney General  
Environmental Protection Division  
1 Ashburton Place  
Boston, MA 02108  
617-727-2200

THE UNDERSIGNED PARTY enters into this Third Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

STATE OF CONNECTICUT

2-17-05  
Date

  
John M. Looney  
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Hartford, CT 06141-0120  
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THE UNDERSIGNED PARTY enters into this Third Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site.

3/16/05  
Date

GENERAL ELECTRIC COMPANY



Roderic McLaren, Esq.  
Counsel-Pittsfield/Housatonic River  
Remediation  
General Electric Company  
Corporate Environmental Programs  
159 Plastics Avenue  
Pittsfield, MA 01201

The attached Third Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the General Electric-Pittsfield/Housatonic River Site is hereby approved.

SO APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

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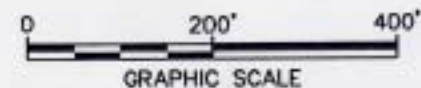
Michael A. Ponsor  
United States District Judge





# LEGEND:

- PROPERTY LINE
- EDGE OF WATER
- X- CHAIN LINK FENCE
- - - RETAINING WALL
- ~~~~~ TREELINE
- 19-8-1 PARCEL ID
- [ ] BUILDING
- [ ] APPROXIMATE 20,000 SQUARE FOOT AREA NO LONGER SUBJECT TO NATURAL RESOURCE RESTORATION/ENHANCEMENT ACTIVITIES IN ACCORDANCE WITH THE THIRD MODIFICATION TO THE CONSENT DECREE



|  |                            |
|--|----------------------------|
| THIRD MODIFICATION TO THE<br>CONSENT DECREE  |                            |
| <p><b>PORTION OF LYMAN STREET<br/>AREA THAT WILL NOT BE<br/>SUBJECT TO NATURAL RESOURCE<br/>RESTORATION/ENHANCEMENT<br/>ACTIVITIES</b></p> | <p>FIGURE<br/><b>1</b></p> |

